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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,453	03/18/2004	Rene George	MAT-8	5391

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PRITZKAU PATENT GROUP, LLC
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BOULDER, CO 80303

EXAMINER

GHYKA, ALEXANDER G

ART UNIT	PAPER NUMBER
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2812

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,453

Applicant(s)

GEORGE ET AL.

Examiner

Alexander G. Ghyka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
4a) Of the above claim(s) 1-5 and 27-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☒ Claim(s) 14-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

ALEXANDER GHYKA
PRIMARY EXAMINER

Av 2812
Alb Ghyka

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Claims 1-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group I, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/6/2005. The Examiner notes that Claim 27 depends on Claim 1, and is part of Group I claims which were withdrawn without traverse. Therefore, Claim 27 is also withdrawn from consideration. Claims 6-26 are now under consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-9 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (US 6,392,187).

The present Claims generally call for a method comprising the steps of configuring an electrostatic shield arrangement to replace said given electrostatic shield in a way which provides for producing a modified radial variation characteristic across said treatment surface which is different than said given varial characteristic.

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Johnson et al disclose an apparatus and method for utilizing a plasma density gradient to produce a flow of particles. Johnson et al disclose an inductively coupled plasma source, a processing chamber and an electrostatic shield. See column 10, lines 55-65. The electrostatic shield arrangement includes a modified slot arrangement that is made up of a plurality of elongated modified slots, each of which includes a length in the sidewall that extends through at least a portion and includes a width that varies as required by present Claims 6-9. See column 15, lines 15-25 and Figures 11A-11C. The arrangement has the shapes as required by present Claims 12-13. See Figures 11A-11C. Therefore, the present Claims are anticipated by Johnson et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US 6,392,187) as applied to claims 6-9 and 12-13 above, and further in view of Applicants' Admitted Prior Art.

Johnson et al is relied upon as discussed above.

However, Johnson et al do not disclose the conical or frustoconical arrangement as required by Claims 10-11.

Applicants discussion of the known prior art discloses a generally conical or frustoconical slotted electrostatic shield arrangement. See Figure 1 of the present Specification.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the generally conical or frustoconical slotted electrostatic shield arrangement as discussed by Applicants' admitted prior art, as the slotted electrostatic shield arrangement of Johnson, for its known benefit as an electrostatic shield. As both references are drawn to slotted electrostatic shields with inductively coupled plasma processing chambers, a *prima facie* case of obviousness is established. The use of the generally conical or frustoconical slotted shield arrangement, for its known benefit in the art, as a slotted shield arrangement, would be obvious to one of ordinary skill in the art.

Allowable Subject Matter

Claims 14-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The cited prior art does not anticipate or make obvious, *inter alia* , configuring includes arranging said electrostatic shield arrangement to include a first, inner shield and a second, outer shield member, said inner shield member defining a first aperture pattern and said outer shield member defining a second aperture pattern, and supporting the outer shield member outside of and adjacent to the inner shield member and rotating the outer shield member relative to the inner shield member to cause the first aperture pattern to cooperate with the second aperture pattern in a way which provides a range in said modified radial variation characteristic across said treatment surface as required by the aforementioned Claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander G. Ghyka whose telephone number is (571) 272-1669. The examiner can normally be reached on Monday through Thursday during general business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt can be reached on (571) 272-1873. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AGG
February 18, 2006

ALEXANDER GHYKA
PRIMARY EXAMINER

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